

1 BILL NO. Z-86-11-25

2 ZONING MAP ORDINANCE NO. Z-Post

3 AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. N-7.

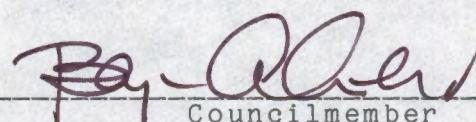
4
5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

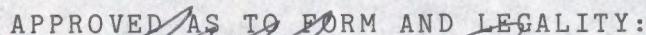
7 SECTION 1. That the area described as follows is
8 hereby designated an R-3 (Multi-Family Residential) District
9 under the terms of Chapter 33 of the Code of the City of
10 Fort Wayne, Indiana of 1974:

11
12 All of Lots 14, 15, 16 and 17 of Saunder's and
13 Metcalf's Addition to the City of Fort Wayne, Allen
14 County, Indiana

15
16 and the symbols of the City of Fort Wayne Zoning Map
17 No. N-7, as established by Section 11 of Chapter 33 of the
18 Code of the City of Fort Wayne, Indiana are hereby changed
19 accordingly.

20 SECTION 2. That this Ordinance shall be in full force
21 and effect from and after its passage and approval by the
22 Mayor.

23
24 
Ray Ober
25 Councilmember

26 APPROVED AS TO FORM AND LEGALITY:
27 

28 BRUCE O. BOXBERGER, CITY ATTORNEY
29
30
31
32

Read the first time in full and on motion by Gia Quinta
seconded by Redd, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the C
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne
Indiana, on _____, the _____ day of _____
, 19_____, at _____ o'clock _____.M.,

DATE: 11-25-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eisbart
seconded by Stier, and duly adopted, placed on it
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>2</u>	<u>6</u>		<u>1</u>	
<u>BRADBURY</u>				<u>✓</u>	
<u>BURNS</u>	<u>✓</u>				
<u>EISBART</u>		<u>✓</u>			
<u>GiaQUINTA</u>		<u>✓</u>			
<u>HENRY</u>		<u>✓</u>			
<u>REDD</u>		<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>				
<u>STIER</u>		<u>✓</u>			
<u>TALARICO</u>		<u>✓</u>			

DATE: 12-23-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19_____,

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the _____ day of _____, 19_____,
at the hour of _____ o'clock _____.M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____
19_____, at the hour of _____ o'clock _____.M., E.S.T.

WIN MOSES, JR., MAYOR

Chit 691

RECEIPT

No 1146

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND.

10/17 1986

RECEIVED FROM

Marsla P.H. Work \$ 50.00

THE SUM OF

T. D. L. 100 DOLLARS

ON ACCOUNT OF

3713 32275 Lafayette 8315 C.R. 6th

Resonance _____

F.M.

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO.

DATE FILED

INTENDED USE

THIS IS TO BE FILED IN DUPLICATEI/We Eugene and Marsha Brooks, James and Lucile Williams, Sr.
(Applicant's Name or Names)do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R2 District to a/an R3 District the property described as follows:

All of Lots 14, 15, 16 and 17 of Saunder's and Metcalf's Addition to the City of Fort Wayne, Allen County, Indiana, which is described on the deeds as follows: The South 30 feet of Lot 15, and the North 40 feet of Lot 16, in Saunder's and Metcalf's Addition to the City of Fort Wayne, according to the recorder plat thereof. And the North 15 feet of Lot Number 15 and the South 15 feet of Lot Number 14 in Saunder's and Metcalf's Subdivision of the City of Fort Wayne, Allen County, Indiana, according to the recorded plat recorded in Plat Book 1, (Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 2713 South Lafayette, 2717 South Lafayette, 2719 South Lafayette, 2721 South Lafayette, 2727 South Lafayette, 415 East Leith

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Marsha Brooks</u>	<u>227 East Suttonfield</u>	<u>Marsha Brooks</u>
<u>James Williams, Sr.</u>	<u>2717 South Lafayette</u>	<u>James Williams, Sr.</u>
<u>Lucile Williams (Name)</u>	<u>2717 South Lafayette (Address)</u>	<u>Lucile Williams</u> (Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>927 South Harrison Street</u>	<u>Timothy J. Junk, HOLLERAN & TREXLER</u>	<u>P.O. Box 11587, Ft.Wayne, IN 46859</u>	<u>(219) 423-2537</u>
	<u>(Name)</u>	<u>(Address & Zip Code)</u>	<u>(Telephone Number)</u>

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

page 48, in the office or the Recorder of Allen County, Indiana. The East 55 feet of Lot Number 17 and the South 5 feet of the East 55 feet of Lot Number 16 in Saundar's and Metcalf's Addition to the City of Fort Wayne, and the South 5 feet of the West 95 feet of Lot Number 16, and the West 95 feet of Lot Number 17 of Saundar's and Metcalf's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Record 1, page 48 in the Office of the Recorder of Allen County, Indiana.

Owners of Property

Eugene Brooks

2719 South Lafayette

Eugene Brooks

(Name)

(Address)

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

LIST OF PROPERTY BY OWNER

JAMES AND LUCILE WILLIAMS

86-769
80-10786

86-17167

Lot Number 14 and the North 15 feet of Lot Number 15.

EUGENE AND MARSHA BROOKS

South 30 feet of Lot Number 15

81-8561

MARSHA BROOKS

North 40 feet of Lot Number 16, South 5 feet of the East 55 feet of Lot Number 16,
and the East 55 feet of Lot Number 17.

86-41151
86-32846

COUNTY COMMISSIONERS

South 5 feet of the West 95 feet of Lot Number 16 and the West 95 feet of Lot Number 17.*

79-25788

* The land owned by the county commissioners is set for sale on October 23, 1986.

PLAT MAP

(28)

ST.	50	55
ADD.	10	9
1/4	8	7
ADD.	5	4
1/4	1	2
3	5008	2712
100	3450	1008
2709	5	4
12	3	2

ST.	50	55
14	9	8
15	7	6
16	5	4
17	3	2
18	1	0
19	0	0
20	2	1
21	1	0
22	0	0

ST.	50	55
14	12	11
15	10	9
16	8	7
17	6	5
18	4	3
19	2	1
20	0	0
21	1	0
22	0	0

ST.	50	55
ADD.	24	22
1/4	25	24
25	4665	2720
2722	50	0

ST.	50	55
15	7	6
16	5	4
17	3	2
18	1	0

ST.	50	55
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15	10	9
16	8	7
17	6	5
18	4	3
19	2	1
20	0	0
21	1	0
22	0	0

ST.	50	55
JANE RB 2-30-1895	228	232
232	236	240
236	242	246
242	248	252
248	254	258
254	260	264
260	266	270
266	272	276
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686	692	696
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698	704	708
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710	716	720
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722	728	732
728	734	738
734	740	744
740	746	750
746	752	756
752	758	762
758	764	768
764	770	774
770	776	780
776	782	786
782	788	792
788	794	798
794	800	804
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806	812	816
812	818	822
818	824	828
824	830	834
830	836	840
836	842	846
842	848	852
848	854	858
854	860	864
860	866	870
866	872	876
872	878	882
878	884	888
884	890	894
890	896	900
896	902	906
902	908	912
908	914	918
914	920	924
920	926	930
926	932	936
932	938	942
938	944	948
944	950	954
950	956	960
956	962	966
962	968	972
968	974	978
974	980	984
980	986	990
986	992	996
992	998	1000

ST.	50	55
ADD.	10	9
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ST.	50	55
14	9	8
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19	0	0
20	2	1
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22	0	0

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ST.	50	55
14	9	8
15	7	6
16	5	4
17	3	2
18	1	0

ST.	50	55

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FACT SHEET

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment
From R-2 to R-3

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

2713, 2717, 2719, 2721 & 2727 So Lafayette
& 415 East Leith

Reason for Project

Multi-Family Development

Discussion (Including relationship to other Council actions)

17 November 1986 - Public Hearing

Tim Junk, attorney, stated that the petitioners seek to have the rezoning for two reasons. He stated that first they would like to renovate and remodel an existing house at 415 East Leith, which is currently a duplex, into a tri-plex. He stated that the second purpose is to tentatively develop the vacant lot, known as Lot #17, 2727 So. Lafayette, into a multi-family apartment building. He stated that he would point out that the Comprehensive Plan encourages this type of investment in this neighborhood. He stated that this is one of the older city neighborhoods and designated in the Comp Plan as the central area of the city. He stated that while most of Allen County will be increasing in population this is an area for which an increase in population is not projected. He stated that the median housing value is below the city ranges, more than 20% of the household is below the median income and according to the Comp Plan this is an area of substantial unemployment. He stated that the petitioners seek the rezoning in order to invest in this area. He stated the planning staff report states that the proposal does appear to meet the criteria of the Comp Plan on the overall intent of the plan for the general area, nonetheless the planning staff recommended a Do Not Pass because the property happens to fit within the Oxford Neighborhood Plan. The Oxford Neighborhood Plan favors single family houses or in the northwest corner they have some duplexes. He stated that this is in the northwest corner of the Oxford Neighborhood. He stated that immediately north of this property is B-1-B zoning. He stated that if you go up and down Pontiac Street you can get multi-family zoning, you can get more B-1-B, R-2 as well as general business zoning. He stated that while technically within the Oxford Neighborhood the general character there is not as strongly single family as most of the Oxford Neighborhood. He stated that the impact of this zoning on the Oxford Neighborhood would not be great. He stated that this property sits on Lafayette Street one of the main thoroughfares in town. He stated that this is not a property, which under the current zoning is favorable to development, which is why they are seeking rezoning. He stated that finally the staff report cites the traffic on Lafayette Street as a reason for denying the request. He stated in the Comp Plan on pages 53 and 54 they talk about traffic in the central neighborhoods, the recommendation for reducing the impact of major thoroughfares on residential properties, center on rerouting the traffic to alternative routes; encouraging the use of mass transit and carpooling. He stated that in essence the Comp Plan does not deal with the traffic problem by denying the change of zoning, the Comp Plan deals with the traffic problem by suggesting alternative routes or means of redirecting traffic.

POSITIONS**RECOMMENDATIONS**

Sponsor	City Plan Commission	
Area Affected	City Wide	Other Areas
Applicants/ Proponents	Applicant(s)	City Department Other
Opponents	Groups or Individuals	Basis of Opposition
Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against	Reason Against -spot zoning -adverse impact on area
Board or Commission Recommendation	By	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Council Sub.	<input type="checkbox"/> Other <input type="checkbox"/> Hold <input type="checkbox"/> Do not pa

DETAILS

Edith Kenna questioned what was presently on the properties involved.

Mr. Junk stated that on 415 E. Leith there is a house they wish to renovate into a tri-plex; on Lot #14 a garage; a residence on 2717, 2719 So Lafayette and another residence, he thought on 2716 So Lafayette. He stated the only proposal presently would be to renovate 415 E. Leith Street and possibly building an apartment on Lot #17. He stated that in contacting the adjacent property owners they asked to be included in the request simply to reserve their option in the future to make their properties into tri-plexes as well.

Edith Kenna asked if all of the properties were currently occupied.

Mr. Junk stated he believed so.

Mel Smith questioned what they would have for parking for the proposed apartments.

Mr. Junk stated they have no specific plans for the properties. However, he has advised his client that they will have to comply with the parking regulations and the other provisions of the building code if rezoned.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

24 November 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the seven members present 6 voted in favor of denial, one did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 17 October 1986

Projected Completion or Occupancy

Date 2 December 1986

Fact Sheet Prepared by

Date 2 December 1986

Patricia Biancaniello

Reviewed by

Date

Gary Roeter
Reference or Case Number

5 Dec. 1986

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT NO. _____

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

3-86-11-25

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 2713, 2717, 2719, 2721 & 2727 South Lafayette &

415 East Leith Street

EFFECT OF PASSAGE Property is presently zoned R-2 - Two Family Residential.

Property will become R-3 - Multi-Family Residential.

EFFECT OF NON-PASSAGE Property will remain R-2 - Two Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 25, 1986 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-11-25; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 17, 1986.

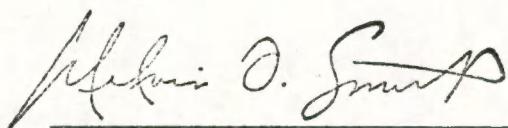
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 24, 1986.

Certified and signed this
2nd day of December 1986.



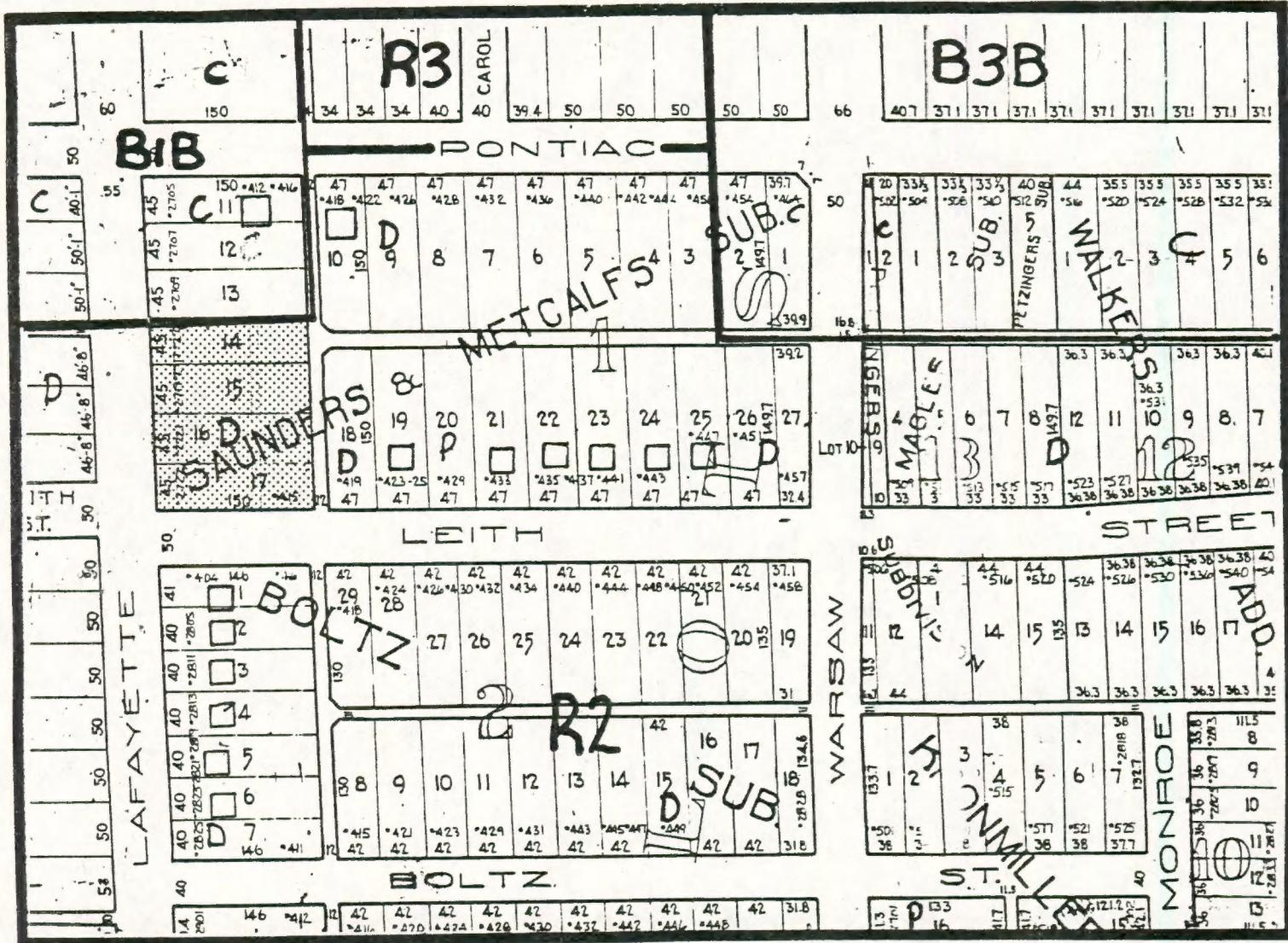
Melvin O. Smith
Secretary

REZONING PETITION #331

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R2 TO AN R3 DISTRICT.

MAP NO. N-7

COUNCILMANIC DISTRICT NO. 5



ZONING:

- R2 RESIDENTIAL DISTRICT
- R3 RESIDENTIAL DISTRICT
- B1B LIMITED BUSINESS 'B'
- B3B GENERAL BUSINESS 'B'

LAND USE:

- SINGLE FAMILY
- D DUPLEX
- C COMMERCIAL
- P PUBLIC-CHURCH



BILL NO. Z-86-11-25

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUTION) amending the City of
Fort Wayne Zoning Map No. N-7

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(RESOLUTION)

YES

NO

BEN A. EISBART
CHAIRMAN

JANET G. BRADBURY
VICE CHAIRWOMAN

DONALD J. SCHMIDT

THOMAS C. HENRY

CHARLES B. REDD

CONCURRED IN 12-23-86

SANDRA E. KENNEDY
CITY CLERK